

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT REC'D 09 MAY 2005

WIPO

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/IB2005/050235

International filing date (day/month/year)
20.01.2005

Priority date (day/month/year)
30.01.2004

International Patent Classification (IPC) or both national classification and IPC
G02B26/02, G02B3/14, G02B15/00

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

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Telephone No. +49 89 2399-2471



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050235

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050235

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims No: Claims	1-3,7-11
Inventive step (IS)	Yes: Claims No: Claims	1-11
Industrial applicability (IA)	Yes: Claims No: Claims	1-11

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

1 Reference is made to the following documents:

- D1: WO 03/069380 A (KONINKLIJKE PHILIPS ELECTRONICS N.V; FEENSTRA, BOKKE, J; KUIPER, STEIN) 21 August 2003 (2003-08-21)
- D2: US-B1-6 369 954 (BERGE BRUNO ET AL) 9 April 2002 (2002-04-09)
- D3: US 2001/017985 A1 (TSUBOI TAKAYUKI ET AL) 30 August 2001 (2001-08-30)
- D4: US-A-5 446 591 (MEDLOCK ET AL) 29 August 1995 (1995-08-29)
- D5: WO 2004/038480 A (KONINKLIJKE PHILIPS ELECTRONICS N.V; KUIPER, STEIN; HENDRIKS, BERNARDU) 6 May 2004 (2004-05-06)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2)-PCT. Document D1 discloses (the references in parentheses applying to this document):

Variable focus lens package (cf. Fig. 4) comprising a plurality of optical elements in a light path, which plurality of optical elements comprises:

- a fluid optical element (105) in a fluid chamber comprising a first fluid (A) and a second fluid (B), which are non-miscible, and which are in contact over a meniscus, wherein a shape of the meniscus is variable under the application of a voltage to an electrically conducting surface of the fluid chamber (cf. pg. 6, ln. 17-27);
- a non-fluid optical component (104, 106), of which fluid optical element and which non-fluid optical element at least one is a lens, wherein the non-fluid optical component is constructed from a substrate that comprises a transparent portion in the light path, and from a moulded surface layer that is present at a side of the substrate facing away from the fluid optical element and further comprises alignment means (116) for alignment of the lens package with further lenses.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/050235

3 INDEPENDENT CLAIM 11

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.
Claim 11 concerns the method of manufacturing the device of claim 1 by assembling the different components, hence the argumentation as for claim 1 applies.

4 DEPENDENT CLAIMS 2-10

Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), because their features are known or obvious from the available prior art and common knowledge.

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Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050235

Box No. I Basis of the opinion

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3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050235

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-3,7-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/050235

Re Item V.

1 Reference is made to the following documents:

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2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2)-PCT.
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Variable focus lens package (cf. Fig. 4) comprising a plurality of optical elements in a light path, which plurality of optical elements comprises:

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- a non-fluid optical component (104, 106), of which fluid optical element and which non-fluid optical element at least one is a lens, wherein the non-fluid optical component is constructed from a substrate that comprises a transparent portion in the light path, and from a moulded surface layer that is present at a side of the substrate facing away from the fluid optical element and further comprises alignment means (116) for alignment of the lens package with further lenses.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/050235

3 INDEPENDENT CLAIM 11

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 11 is not new in the sense of Article 33(2) PCT.
Claim 11 concerns the method of manufacturing the device of claim 1 by assembling the different components, hence the argumentation as for claim 1 applies.

4 DEPENDENT CLAIMS 2-10

Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), because their features are known or obvious from the available prior art and common knowledge.